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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,530

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GJ-274J

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EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT

PAPER NUMBER

3612

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,530	Applicant(s) BURGESS ET AL.	
	Examiner GREGORY BLANKENSHIP	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/4/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7-9, 13, 14, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekita et al. (6,260,913) in view of Baston (4,362,220).

Sekita et al. disclose a seating apparatus (6,7,8) for a vehicle having a flat carrying area. The seating apparatus comprises a frame (6,7) that provides roll over protection to a person seated on the seating apparatus. A seat (8a) is mounted in the frame, as shown in Figures 1 and 2. Securing means secure the seating apparatus (6,7,8) on the flat carrying area of the vehicle. In reference to claim 7, the securing means secures the frame to the flat carrying area. In reference to claim 13, the frame is an open tubular construction, as shown in Figure 2. In reference to claim 14, a stowage space is located underneath the seat, as shown in Figure 1. In reference to claim 16, elements (8c,8d) form side bolsters that provide a person seated in the seat lateral restraints. In reference to claim 17, the seat has a head rest (8t), as shown in Figure 3. In reference to claim 19, a vehicle is provided with the seating apparatus, as shown in Figure 1. However, Sekita et al. do not disclose the seating apparatus attached to the flat carrying area by a releasable quick release mechanism.

Baston teaches a seating apparatus/roll over protection frame (5,6,8) that has a releasable quick release latch and shackle mechanism (9).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to releasably attach the seating apparatus of Sekita et al. to the flat carrying area of Sekita et al. using a releasable latch and shackle quick-release mechanism, as taught by Baston, to improve accessibility to systems in or below the dashboard and in or below the floor.

3. Claims 1, 7, 8, 10, 13, 14, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekita et al. (6,260,913) in view of Richardson II, et al. (6,419,304)

Sekita et al. disclose a seating apparatus (6,7,8) for a vehicle having a flat carrying area. The seating apparatus comprises a frame (6,7) that provides roll over protection to a person seated on the seating apparatus. A seat (8a) is mounted in the frame, as shown in Figures 1 and 2. Securing means secure the seating apparatus (6,7,8) on the flat carrying area of the vehicle. In reference to claim 7, the securing means secures the frame to the flat carrying area. In reference to claim 13, the frame is an open tubular construction, as shown in Figure 2. In reference to claim 14, a stowage space is located underneath the seat, as shown in Figure 1. In reference to claim 16, elements (8c,8d) form side bolsters that provide a person seated in the seat lateral restraints. In reference to claim 17, the seat has a head rest (8t), as shown in Figure 3. In reference to claim 19, a vehicle is provided with the seating apparatus, as shown in Figure 1. However, Sekita et al. do not disclose the seating apparatus attached to the flat carrying area by a releasable quick release mechanism.

Richardson II, et al. teach using bolts to connect a frame (10) that provides roll over protection for a person seated in a vehicle, as disclosed on lines 26-29 of column 2. The bolt is a plug that fits into a socket in a manner that can quickly be released.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to releasably attach the seating apparatus of Sekita et al. to the flat carrying area of Sekita et al. using bolts that are inserted into sockets to form a quick release securing means, as taught by Richardson II, et al., to improve accessibility to systems in or below the dashboard and in or below the floor.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sekita et al. (6,260,913) and Baston (4,362,220), in view of Allen (6,142,572).

Sekita et al., as modified, does not disclose the seat is demountable.

Allen teaches a seat (52) that is demountable from a frame (46), as shown in Figure 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to couple the seat and frame of Sekita et al., as modified, in a demountable manner, as taught by Allen, in order to allow replacement of the seat when it is damaged or worn.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claim 2, in view of Schuler et al. (5,564,315).

Sekita et al., as twice modified, does not disclose spring bolts.

Schuler et al. teach the use of spring bolts (7) to mount a seat.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use spring bolts to mount the seat of Sekita et al., as twice modified, as taught by Schuler et al., to enhance the connection between the seat and the frame.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sekita et al. (6,260,913) and Baston (4,362,220), in view of Tidwell (5,516,179).

Sekita et al., as modified, do not disclose the seat being foldable.

Tidwell teaches a seat that is foldable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the seat of Sekita et al., as modified, such that it can be folded, as taught by Tidwell, to allow access to components located beneath the seat.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sekita et al. (6,260,913) and Baston (4,362,220), in view of Tidwell (5,516,179).

Sekita et al., as modified, does not disclose the ability for the frame to connect to more seat or frames.

Tidwell teaches the ability of a frame to connect to more than seat and frame, as disclosed on lines 20-27 of column 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the frame of Sekita et al., as modified, to allow it to connect to more than one seat and frame, as taught by Tidwell, so that it can be used in multi-passenger vehicles.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sekita et al. (6,260,913) and Baston (4,362,220), in view of Hermann et al. (6,631,958).

Sekita et al., as modified, does not disclose the claimed type of securing means.

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Hermann et al. teaches the use of a hook (15) and socket (17) quick release securing means for a seat (3), as disclosed on lines 49-51 of column 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the hook and socket quick release securing means of Hermann et al. for the securing means of Sekita et al., as modified, to provide a securing means that is capable of being actuated with only one hand.

10. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sekita et al. (6,260,913) and Baston (4,362,220), in view of Neale (6,224,132).

Sekita et al., as modified, does not disclose holder means or seat belt.

Neale teaches the combination of a seat belt (46) with a vehicle seat, as shown in Figure 1.

In reference to claim 15, the seat belt is capable of holding an object to be carried by a person sitting in the seat.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a seat belt to the seating apparatus of Sekita et al, as modified, as taught by Neale, to improve passenger safety.

Allowable Subject Matter

11. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY BLANKENSHIP whose telephone number is (571)272-6656.

The examiner can normally be reached on 7-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gab

March 31, 2008

/Greg Blankenship/

Examiner, Art Unit 3612